



HC0001HAM001

LRB098 02703 RLC 56634 a

1 AMENDMENT TO HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT 1

3 AMENDMENT NO. ____ . Amend House Joint Resolution
4 Constitutional Amendment 1 by replacing lines 3 through 23 on
5 page 1 and all of pages 2 through 4 with the following:

6 "RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
7 NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
8 SENATE CONCURRING HEREIN, that there shall be submitted to the
9 electors of the State for adoption or rejection at the general
10 election next occurring at least 6 months after the adoption of
11 this resolution a proposition to amend Section 8.1 of Article I
12 of the Illinois Constitution as follows:

13 ARTICLE I
14 BILL OF RIGHTS

15 (ILCON Art. 1, Sec. 8.1)

16 SECTION 8.1. CRIME VICTIMS' ~~VICTIM'S~~ RIGHTS.

1 (a) Crime victims, as defined by law, shall have the
2 following rights ~~as provided by law~~:

3 (1) The right to be treated with fairness and respect
4 for their dignity and privacy and to be free from
5 harassment, intimidation, and abuse throughout the
6 criminal justice process.

7 (2) The right to refuse to disclose to the defendant
8 information that is privileged or confidential by law, as
9 determined by a court of law with jurisdiction over the
10 case.

11 (3) ~~(2)~~ The right to timely notification of all court
12 proceedings.

13 (4) ~~(3)~~ The right to communicate with the prosecution.

14 (5) ~~(4)~~ The right to be heard at any post-arraignment
15 court proceeding in which a right of the victim is at issue
16 and any court proceeding involving a post-arraignment
17 release decision, plea, or sentencing ~~make a statement to~~
18 ~~the court at sentencing.~~

19 (6) The right to have access to information in a report
20 related to any aspect of a defendant's sentence when
21 available to the defendant, as the General Assembly may
22 provide by law.

23 (7) ~~(5)~~ The right to be notified of ~~information about~~
24 the conviction, the sentence, the imprisonment, and the
25 release of the accused.

26 (8) ~~(6)~~ The right to timely disposition of the case

1 following the arrest of the accused.

2 (9) ~~(7)~~ The right to be reasonably protected from the
3 accused throughout the criminal justice process.

4 (10) ~~The right to have the safety of the victim and the~~
5 victim's family considered in denying or fixing the amount
6 of bail, determining whether to release the defendant, and
7 setting conditions of release after arrest and conviction.

8 (11) ~~(8)~~ The right to be present at the trial and all
9 other court proceedings on the same basis as the accused,
10 unless the victim is to testify and the court determines
11 that the victim's testimony would be materially affected if
12 the victim hears other testimony at the trial.

13 (12) ~~(9)~~ The right to have present at all court
14 proceedings, subject to the rules of evidence, an advocate
15 and ~~or~~ other support person of the victim's choice.

16 (13) ~~(10)~~ The right to restitution.

17 (b) The victim has standing to assert the rights enumerated
18 in subsection (a) in any court exercising jurisdiction over the
19 case. The court shall promptly rule on a victim's request. The
20 victim does not have party status. The accused does not have
21 standing to assert the rights of a victim. The court shall not
22 appoint an attorney for the victim under this Section. Nothing
23 in this Section shall be construed to alter the powers, duties,
24 and responsibilities of the prosecuting attorney ~~The General~~
25 ~~Assembly may provide by law for the enforcement of this~~
26 ~~Section.~~

1 (c) The General Assembly may provide for an assessment
2 against convicted defendants to pay for crime victims' rights.

3 (d) Nothing in this Section or any law enacted under this
4 Section creates a cause of action in equity or at law for
5 compensation, attorney's fees, or damages against the State, a
6 political subdivision of the State, an officer, employee, or
7 agent of the State or of any political subdivision of the
8 State, or an officer or employee of the court. ~~or in any law~~
9 ~~enacted under~~

10 (e) Nothing in this Section or any law enacted under this
11 Section shall be construed as creating (1) a basis for vacating
12 a conviction or (2) a ground for any relief requested by the
13 defendant ~~appellate relief in any criminal case.~~

14 (Source: Amendment adopted at general election November 3,
15 1992.)

16 SCHEDULE

17 This Constitutional Amendment takes effect upon being
18 declared adopted in accordance with Section 7 of the Illinois
19 Constitutional Amendment Act.".